

May. 25. 2006 1:27PM

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TO:	FROM:
Examiner E.D. Ivey	DKB  David K. Benson, Reg. No. 42,314
COMPANY:	DATE:
USPTO	THURSDAY, MAY 25, 2006
FACSIMILE NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
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PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
571-272-8432	H0003762-3004
RE:	RECIPIENT'S REFERENCE NUMBER:
Response	10/759,810

URGENT

FOR REVIEW

PLEASE COMMENT

PLEASE REPLY

PLEASE RECYCLE

NOTES/COMMENTS:

**FORMAL COMMUNICATION
INTENDED FOR ENTRY**

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THANK YOU.

App. No. 10/759,810

Reply to Office action of April 25, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 25 2006

Appl. No. : 10/759,810 Confirmation No. 8268
Applicant : Chien-Wei Li et al.
Filed : January 16, 2004
Art Unit : 1775
Examiner : E.D. Ivey
Docket No. : H0003762-3004
Customer No. : 000128

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300

on May 25, 2006 (Date).
by Signature [Signature]
David K. Benson

RESPONSE TO RESTRICTION REQUIREMENT

BOX AMENDMENT
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a response to the Office Action mailed on April 25, 2006, which includes a requirement to elect one of the following five groups:

- I) Claims 1-17, and 26-35;
- II) Claims 18-25;
- III) Claims 36-40 (*classified in class 427, subclass 596*);
- IV) Claims 41-46 (*classified in class 427, subclass 596*); and
- V) Claims 47-49.

App. No. 10/759,810

Reply to Office action of April 25, 2006

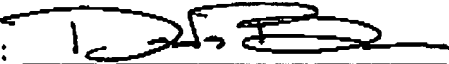
In response to the restriction requirement, applicants elect Group III, claims 36 to 40. This election is made with traverse, at least with respect to the requirement to restrict Groups III and IV. The M.P.E.P. makes clear that there are two criteria for restriction. The first is that the inventions be independent and distinct. The second is that there must be *a serious burden on the Examiner*. M.P.E.P. § 803. Even if inventions are patentably distinct, M.P.E.P. § 808.02 requires the Examiner to establish a serious burden by justifying how the two groups either i) are separately classified; ii) have a separate classification in the art although classifiable together; or iii) require a different field of search. In the present case, the Examiner has conceded that Groups III and IV are classified together in class 427, subclass 596. Although the Examiner has raised arguments that these groups are unrelated, the Examiner has not established a serious burden under M.P.E.P. § 808.02. It is therefore requested that at least Groups III and IV be examined together.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

Dated: May 25, 2006

By: 
David K. Benson
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